

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO: 1:23-CV-00041

JACOB DOE,

Plaintiff,

v.

THE UNIVERSITY OF NORTH
CAROLINA SYSTEM, et al.

Defendants.

DEFENDANTS' CONSENT MOTION
FOR EXTENSION OF TIME TO
RESPOND TO MOTION FOR LEAVE
TO PROCEED UNDER PSEUDONYM

Under Rule 6(b) of the Federal Rules of Civil Procedure and Rule 7.1 of the Local Rules Governing Civil Cases, Defendants the University of North Carolina System (“UNC System”), the University of North Carolina at Chapel Hill (“UNC-CH”), improperly named the University of North Carolina Board of Trustees, improperly named Board of Governors of the University of North Carolina at Chapel Hill,¹ Kevin Guskiewicz, Elizabeth Hall, Jeremy Enlow, Beth Froehling, Rebecca Gibson, Jaclyn Feeney, David Elrod, and Desirée Rieckenberg (collectively “Defendants”) move that the Court extend by thirty-seven days their time to respond to Plaintiff’s Motion for Leave to Proceed under Pseudonym. ECF 2. Plaintiff’s counsel consents to this Motion.

In support of this Motion, Defendants show the following:

1. On February 15, 2023, Plaintiff filed his Complaint. ECF 1. On the same day, Plaintiff filed his Pseudonym Motion. ECF 2.

¹ The UNC System does not have a Board of Trustees, it has a Board of Governors. N.C. Gen. Stat. § 116-2. UNC-CH does not have a Board of Governors, it has a Board of Trustees. *Id.* UNC-CH’s counsel informed Plaintiff’s counsel of this error and asked that the names be corrected.

2. On March 16, 2023, most Defendants received FedEx delivery of the Complaint and Pseudonym Motion² in this matter that, if properly served, would make their response to the Pseudonym Motion due March 30, 2023.

3. Defendants reasonably require additional time to respond to Plaintiff's Pseudonym Motion. Specifically, Defendants are still in the process of evaluating the facts alleged in the nearly two-hundred-page Complaint and possible defenses.

4. Defendants want to ensure that they do not waive any possible defenses by responding to the Pseudonym Motion before responding to the Complaint. Thus, Defendants request a thirty-seven-day extension of time to respond to Plaintiff's Pseudonym Motion so that their responses will be due at the same time as Defendants' responses to Plaintiff's Complaint.³

5. Thirty-seven days after March 30, 2023 is Saturday, May 6, 2023, which means that Defendants' responses to Plaintiff's Pseudonym Motion would be due Monday, May 8, 2023. *See Fed. R. Civ. P. 6(a)(1)(C).*

6. Defendants will use all pseudonyms included in the Complaint until the Court rules on the Pseudonym Motion.

7. Defendants do not seek this extension for any improper purpose or to cause undue delay.

8. Defendants' counsel conferred with Plaintiff's counsel regarding this Motion and Plaintiff's counsel consents.

² Defendant Elrod did not receive his copy because it was sent to UNC-CH, and he does not work at UNC-CH. Regardless, to keep this litigation moving forward, Elrod's counsel agreed to accept service on his behalf.

³ Contemporaneous with the filing of this Motion, Defendants have filed a consent motion seeking a thirty-day extension of time to respond to Plaintiff's Complaint.

9. In filing this Motion, Defendants do not waive, and expressly reserve, all defenses.

WHEREFORE, Defendants request that the Court extend by thirty-seven days Defendants' time to respond to Plaintiff's Motion for Leave to Proceed under Pseudonym, making their responses due Monday, May 8, 2023.

This 24th day of March, 2023.

JOSHUA H. STEIN
Attorney General

/s/ Kenzie M. Rakes
Kenzie M. Rakes
Special Deputy Attorney General
NC State Bar No. 46349
krakes@ncdoj.gov

/s/ Jeremy D. Lindsley
Jeremy D. Lindsley
Assistant Attorney General
NC State Bar No. 26235
jlindsley@ncdoj.gov

North Carolina Department of Justice
PO Box 629
Raleigh, NC 27602
Tel: 919-716-6920
Fax: 919-716-6764

Attorneys for Defendants

/s/ Marla S. Bowman
Marla S. Bowman
N.C. Bar No. 49097
marla_bowman@unc.edu
Office of University Counsel University
of North Carolina at Chapel Hill
123 W. Franklin St., Suite 600A
Chapel Hill, NC 27599-9105
Tel: (919) 962-1219

*Attorney for Defendant the University
of North Carolina at Chapel Hill*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **DEFENDANTS'** CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND TO MOTION FOR LEAVE TO PROCEED UNDER PSEUDONYM with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all registered CM/ECF users.

This 24th day of March, 2023.

/s/ Kenzie M. Rakes
Kenzie M. Rakes
Special Deputy Attorney General